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SENATE BILL 40

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

H. Diane Snyder

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING THE TAXATION AND REVENUE DEPARTMENT TO CONDUCT BACKGROUND CHECKS FOR HAZARDOUS MATERIAL ENDORSEMENTS; ELIMINATING REQUIREMENTS PERTAINING TO HAZARDOUS MATERIALS TRANSPORTATION PERMITS; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-5-65 NMSA 1978 (being Laws 1989, Chapter 14, Section 14, as amended) is amended to read:

"66-5-65. CLASSIFICATIONS--ENDORSEMENTS--RESTRICTIONS.--

A. Commercial driver's licenses may be issued with the classifications, endorsements and restrictions enumerated in Subsections B, C and D of this section. The holder of a valid commercial driver's license may drive all vehicles in the class for which that license is issued and all lesser classes

underscored material = new
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1 of vehicles except motorcycles and vehicles that require an
2 endorsement, unless the proper endorsement appears on the
3 license.

4 B. The following classifications shall apply to
5 commercial driver's licenses:

6 (1) class A - any combination of vehicles with
7 a gross combination weight rating of more than twenty-six
8 thousand pounds, if the gross vehicle weight rating of the
9 vehicle or vehicles being towed is in excess of ten thousand
10 pounds;

11 (2) class B - any single vehicle with a gross
12 vehicle weight rating of more than twenty-six thousand pounds
13 and any such vehicle towing a vehicle with a gross vehicle
14 weight rating of ten thousand pounds or less; and

15 (3) class C - any single vehicle or
16 combination of vehicles that does not meet either the
17 definition of Paragraph (1) or (2) of this subsection but is:

18 (a) designed to transport sixteen or
19 more passengers, including the driver; or

20 (b) used in the transportation of
21 hazardous materials, which requires the vehicle to be placarded
22 under applicable law.

23 C. The secretary, by regulation, may provide for
24 classifications in addition to those set forth in Subsection B
25 of this section.

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1 D. The following endorsements and restrictions
2 shall apply to commercial driver's licenses:

3 (1) "H" - authorizes driving a vehicle
4 transporting hazardous material;

5 (2) "L" - restricts the driver to vehicles not
6 equipped with airbrakes;

7 (3) "T" - authorizes driving a vehicle towing
8 more than one trailer;

9 (4) "P" - authorizes driving vehicles, other
10 than school buses, carrying passengers;

11 (5) "N" - authorizes driving tank vehicles;

12 (6) "X" - represents a combination of the
13 hazardous material ("H") and tank vehicle ("N") endorsements;

14 (7) "S" - authorizes driving a school bus; and

15 (8) "K" - restricts the driver to driving a
16 commercial motor vehicle in intrastate commerce only.

17 E. The department may require an applicant
18 requesting a hazardous material ("H") endorsement to be subject
19 to a background check pursuant to the federal Uniting and
20 Strengthening America by Providing Appropriate Tools Required
21 to Intercept and Obstruct Terrorism Act of 2001."

22 Section 2. REPEAL. -- Section 74-4F-3 NMSA 1978 (being Laws
23 1996, Chapter 37, Section 3) is repealed.

24 Section 3. EFFECTIVE DATE. -- The effective date of the
25 provisions of this act is July 1, 2004.

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